

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Before the Examiner:
Abbondanzio et al.	:	Tang, Kenneth
Serial No.: 09/981,519	:	Group Art Unit: 2195
Filed.: October 17, 2001	:	
Title.: AUTOMATICALLY SWITCHING :	:	IBM Corporation
SHARED REMOTE DEVICES IN A :	:	IP Law Dept. YXSA/Bldg. 002
DENSE SERVER ENVIRONMENT :	:	3039 Cornwallis Road
THEREBY ALLOWING THE REMOTE :	:	P.O. Box 12195
DEVICES TO FUNCTION AS A LOCAL :	:	Research Triangle Park, NC 27709
DEVICE :	:	

REPLY UNDER 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action having a mailing date of November 15, 2006, having a three-month shortened statutory period for response set to expire on February 15, 2007, Applicants respectfully reinstate the Third Appeal Brief filed on August 15, 2006 by filing herewith a fourth notice of appeal in compliance with 37 C.F.R. §41.31 and filing separately a complete new Appeal Brief (referred to as the "Fourth Appeal Brief") in compliance with 37 C.F.R. §41.37. Applicants note that any fees paid for the first, second and third notices of appeal and for the first, second and third Appeal Briefs previously paid will be applied to this fourth appeal.

Applicants would again like to make a request to Examiner Tang, SPE Meng-Ai An, Group Director Peter Wong and to the conferee involved in the pre-trial appeal conference that they will not reopen prosecution again, but instead, allow the Examiner to file an Examiner's Answer so as to reduce the

delay and expense in prosecution of this case. This is Applicants' fourth appeal brief in response to the third time that the Examiner has reopened prosecution. The Examiner is continually reopening prosecution because those on the pre-trial appeal conference do not believe that the Examiner will be successful in the Appeal and hence have given the Examiner numerous opportunities to strengthen the Examiner's case. This is improper and unfair. How many bites at the apple does an Examiner get? All that results is increasing the pendency of the case and further delay. If SPE Meng-Ai An and the conferee decide to let the Examiner reopen prosecution again, Applicants will be contacting Commerce Secretary Carlos Gutierrez regarding the lack of progress in this case.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: 

Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, TX 75201
(512) 370-2832

Austin_1 334218v.1